

REMARKS

Reconsideration is requested in view of the above amendments and following remarks. Claims 1-11, 13, 14-23, 25-26, 42-44 and 47 were pending in the subject application. Applicants have hereinabove amended all of these claims.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4, 7-11, 13, 14, 16-23, 25, 26, 42-44 and 47 were rejected under 35 U.S.C. § 102 as allegedly anticipated by WO 95/35153 ("Iversen"). The Patent Office asserts that Iversen "teaches a hollow fiber membrane module (figures 1 and 7-12) comprising a housing (8-fig 7) having an inner cylindrical space and a surrounding packing space (fig 9), structure surrounding the packing space (fig 12) having an opening (5) for liquid to travel to the packing space (F), hollow fiber membrane bundles (S) with plurality of hollow fibers in parallel, with volumetric ratio of membranes to packing space between 3-10% (page 20, lines 19-25), and segmentation elements with openings as claimed (fig 10-12; page 43 lines 3-14)."

Applicants respectfully traverse this rejection. Iversen does not disclose all the elements of applicants' claimed invention. In order for a reference to anticipate a claim

under 35 U.S.C. § 102, the reference must disclose each and every element of the claim.

Iversen fails to disclose “at least one segmentation element fitted on a surface of the housing and extending into the packing space in a generally radial direction of the housing for separating at least two said hollow fiber membrane bundles from one another, each segmentation element having at least one opening therein through which liquid can travel.”

Applicants’ claimed invention has segmentation elements that may be fitted on a surface of the housing and extend into the packing space. Moreover, such segmentation elements must have at least one opening therein through which liquid can travel. There are no segmentation elements in Iversen that have openings therein through which liquid can travel. The Iversen apparatus can be separated into module segments (S in Figure 9) for ease of production (page 28, lines 13-15), and the Iversen segments may have liquid inlets and liquid outlets (Figure 7, page 42, lines 20-24 and Figure 9). Iversen’s segments with liquid inlets and liquid outlets are not segmentation elements that fit on the surface of the housing and that have at least one opening through which liquid can travel. Rather, the Iversen segments form the housing and the liquid inlets and liquid outlets allow the liquid to travel in and out of the apparatus not through segmentation elements, as with applicants’ invention.

Even if the sides of the Iversen module segments could be considered "segmentation elements," they contain no "opening through which liquid can travel." Segmentation elements with at least one opening as claimed by the applicants are antithetical to the Iversen invention because the Iversen apparatus relies upon segments for ease of production. The Iversen segments must be able to operate independently. Therefore, there would be no motivation for one of ordinary skill in the art to modify the sides of the Iversen module segments to allow for liquid to travel between hollow fiber membrane bundles within the packing space.

In view of the above, applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

Claim Rejections Under 35 U.S.C. § 103

Claims 5, 6 and 15 are rejected under 35 U.S.C. § 103 as allegedly unpatentable over Iversen. The Patent Office asserts that "[o]pening sizes and area ratios are optimizable depending on the flow rates required and the pressure drops allowable." According to the Patent Office, "[d]iscovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art." Applicants respectfully traverse this rejection because there is no teaching or suggestion of at least one segmentation element fitted on a surface of the housing and extending into the packing space in a generally radial direction of the housing for separating at least two

said hollow fiber membrane bundles from one another, each segmentation element having at least one opening therein through which liquid can travel. For the reasons mentioned above, there would be no motivation for a person of ordinary skill in the art to modify the Iversen apparatus to applicants' claimed invention. Accordingly, there is no teaching or suggestion of dimensions of that element in Iversen.

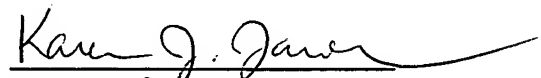
In view of the above, applicants respectfully request reconsideration and withdrawal of the rejection pursuant to 35 U.S.C. § 103.

Conclusion

In view of the above, applicants request reconsideration and issuance of a Notice of Allowance. If a telephone conference would be beneficial in expediting prosecution, applicants request that the Examiner contact the undersigned attorney at the number provided below.

No fee, other than the fee for a one-month extension of time, is required in connection the filing of this Amendment. If any additional fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karen J. Jacobs", with a long horizontal flourish extending to the right.

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